

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA (Pittsburgh)**

<b>IN RE:</b>	:	
<b>DENNIS T. SULLIVAN</b>	:	<b>BK. No. 19-20802-JAD</b>
<b>Debtor</b>	:	
	:	<b>Chapter No. 13</b>
<b>JPMORGAN CHASE BANK, N.A.</b>	:	
<b>Movant</b>	:	<b>Document No.</b>
<b>v.</b>	:	
<b>DENNIS T. SULLIVAN</b>	:	<b>Hearing Date: 08/21/2019</b>
<b>MARIAN F. SULLIVAN (Non-filing Co-Debtor)</b>	:	
<b>and</b>	:	<b>Hearing Time: 10:00 a.m.</b>
<b>RONDA J. WINNECOUR, ESQUIRE (TRUSTEE)</b>	:	
<b>Respondents</b>	:	<b>Objection Date: 08/02/2019</b>

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY**

/s/ Robert P. Wendt, Esquire

Robert P. Wendt, Esq., Id. No.89150

Phelan Hallinan Diamond & Jones, LLP

Omni William Penn Office Tower

555 Grant Street, Suite 300

Pittsburgh, PA 15219

Phone Number: 215-563-7000 Ext 37382

Fax Number: 215-568-7616

Email: Robert.Wendt@phelanhallinan.com

July 15, 2019

the mortgaged premises, that was executed on **November 26, 1996**. The mortgage was recorded on

6. A Proof of claim has been filed by Movant on May 10, 2019, listing pre-petition arrears in the amount of \$285,504.76. A copy of the Proof of Claim is attached hereto as Exhibit "A" and made a part hereof.

7. As of June 26, 2019, the principal balance due on the mortgage is \$226,581.85.

8. The loan is contractually due for May 1, 2010 and interest in the amount of \$68,322.69 has accrued as of June 26, 2019.

9. In addition, the following charges, fees and costs have been added to the balance of the loan and are due and owing to Movant: Late Charges in the amount of \$145.48, Escrow Advance in the amount of \$114,998.98, and Foreclosure Fees and Costs in the amount of \$6,609.20, which consists of the following charges: Filing fees and court costs in the amount of \$243.50, Attorney expense fees and costs in the amount of \$10.70, Service fees in the amount of \$125.00, Attorney Fees in the amount of \$3,110.00, Sheriff / Auctioneer fees in the amount of \$2,000.00, Title costs in the amount of \$650.00, and Appraisal/Brokers price opinion fees in the amount of \$470.00.

10. As of June 26, 2019, the payoff due on the mortgage is \$416,658.20.

11. Movant has not received post-petition mortgage payments for the months of April 1, 2019 through June 1, 2019. The monthly payments for the months of April 1, 2019 through June 1, 2019 are \$2,763.62.

12. As of June 26, 2019, the total amount of post-petition arrearage is \$8,290.86.

13. The fair market value of the premises is \$336,000.00 based on the Debtor's Schedule A/B-Real Property. A copy of the Debtor's Schedule A/B-Real Property is attached hereto as Exhibit "B" and made a part hereof.

13. The following Judgments have been entered: American Express, 120 North Keyser Avenue, c/o Edwin A. Abrhahamsen, Scranton, PA 18504 vs. Dennis Sullivan, 111 NORTHBROOK DRIVE, GIBSONIA, PA 15044 NKA 111 NORTHBROOK DRIVE, GIBSONIA, PA 15004, Docket No. GD-12-003114, filed: 02/14/2012, in the amount of \$6,153.99. (MDJ

Case 19-20802-JAD Doc 31 Filed 07/15/19 Entered 07/15/19 19:30:48 Desc Main Document Page 4 of 5  
Transcript). JPMorgan Chase Bank, N.A., 270 Park Avenue, New York, NY 10017 vs. Dennis Sullivan, 111 NORTHBROOK DRIVE, GIBSONIA, PA 15044 NKA 111 NORTHBROOK DRIVE, GIBSONIA, PA 15004, Marian F. Sullivan, 111 NORTHBROOK DRIVE, GIBSONIA, PA 15044 NKA 111 NORTHBROOK DRIVE, GIBSONIA, PA 15004-8983, Docket No. GD-14-010374, filed: 06/12/2014, no amount provided. (Quiet Title). Solutions Landscapes & Designs, LLC, Chase Davis, P.O. Box 495, Gibsonia, PA 15044 vs. Dennis Sullivan, 111 NORTHBROOK DRIVE, GIBSONIA, PA 15044 NKA 111 NORTHBROOK DRIVE, GIBSONIA, PA 15004, Docket No. AR-15-000593, filed: 02/04/2015, in the amount of \$1,744.00. (Defendant's MDJ Appeal). JPMorgan Chase Bank, N.A., 3476 Stateview Boulevard, Fort Mill, SC 29715 vs. Dennis Sullivan, 111 NORTHBROOK DRIVE, GIBSONIA, PA 15044 NKA 111 NORTHBROOK DRIVE, GIBSONIA, PA 15004, Marian F. Sullivan, 111 NORTHBROOK DRIVE, GIBSONIA, PA 15044 NKA 111 NORTHBROOK DRIVE, GIBSONIA, PA 15004-8983, Docket No. MG-16-000394, filed: 03/17/2016, in the amount of \$393,649.19, writ of execution: 01/08/2019. (Mortgage Foreclosure).

14. There are no liens on the premises that are senior to Movant's lien.

15. The Debtor does not have sufficient equity in the property to protect Movant's interests.

16. Movant specifically requests relief from the Co-Debtor Stay imposed by 11 U.S.C. 1301 as to the non-filing Co-Debtor, MARIAN F. SULLIVAN.

17. Debtor is in default under the terms of the Chapter 13 Plan. More specifically, as of June 28, 2019, the arrears listed on the Chapter 13 Trustee website are \$3.00. A copy of the Trustee report is attached hereto as Exhibit 'C'.

18. The Debtor's Plan calls for a sale of the property.

19. However, Debtor has yet to file a Motion for the Appointment of a Realtor.

20. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

21. Movant specifically requests permission from the Honorable Court to

communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

22. Movant, JPMORGAN CHASE BANK, N.A. request that the Court award reimbursement in the amount of \$1,031.00 for the Attorney fees and costs associated with this Motion.

22. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay and Co-Debtor Stay under Section 362 and 1301 with respect to 111 NORTHBROOK DRIVE, GIBSONIA, PA 15044 NKA 111 NORTHBROOK DRIVE, GIBSONIA, PA 15004 (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors or assignees, to proceed with its rights under the terms of said Mortgage; and

b. That relief from any Co-Debtor stay (if applicable) is hereby granted; and

c. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law; and

d. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and

e. Granting any other relief that this Court deems equitable and just.

/s/ Robert P. Wendt, Esquire  
Robert P. Wendt, Esq., Id. No.89150  
Phelan Hallinan Diamond & Jones, LLP  
Omni William Penn Office Tower  
555 Grant Street, Suite 300  
Pittsburgh, PA 15219  
Phone Number: 215-563-7000 Ext 37382  
Fax Number: 215-568-7616  
Email: Robert.Wendt@phelanhallinan.com  
Attorney for Movant/Applicant

July 15, 2019